

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**STATE NATIONAL INSURANCE
COMPANY, INC.,**

PLAINTIFF/COUNTER-DEFENDANT,

VS.

CIVIL ACTION NO. 3:03CV104-P-A

CALVIN YATES,

DEFENDANT/COUNTER-PLAINTIFF.

ORDER

This cause comes before the court upon Calvin Yates's Motion to Dismiss [50-1]. Upon due consideration of the motion and the response filed thereto the court finds the following, to-wit:

In the motion at bar Yates asks the court to dismiss this declaratory action using the discretion granted by the Declaratory Judgment Act, 28 U.S.C. § 2201(a). This action is a run-of-the-mill declaratory judgment action filed by an insurance company to determine coverage. As such, the court finds no merit to the instant motion.

IT IS THEREFORE ORDERED AND ADJUDGED that Calvin Yates's Motion to Dismiss [50-1] is hereby **DENIED**.

SO ORDERED this the 5th day of May, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE